

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**HARRY L. FRANKLIN,**

**Plaintiff,**

**v.**

**9:16-CV-1229  
(FJS/TWD)**

**NATHAN YORK and WARREN COUNTY,**

**Defendants.**

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**APPEARANCES**

**OF COUNSEL**

**HARRY L. FRANKLIN**

17 LaClaire Street  
Hudson Falls, New York 12839  
Plaintiff *pro se*

**MURPHY BURNS, LLP**

407 Albany Shaker Road  
Loudonville, New York 12211  
Attorneys for Defendants

**THOMAS K. MURPHY, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

Plaintiff commenced this action pursuant to 42 U.S.C. § 1983, alleging violations of his First Amendment rights to free exercise of his religion and to the free flow of mail while incarcerated at Warren County Correctional Facility. *See* Dkt. No. 12. After the completion of discovery, Defendants filed a motion for summary judgment. *See* Dkt. No. 25. Despite the Court granting Plaintiff an extension of time in which to file opposition to Defendants' motion, Plaintiff failed to do so. In a Report-Recommendation and Order, dated October 16, 2018, Magistrate Judge Dancks recommended that the Court grant Defendants' motion for summary judgment. *See generally* Dkt.

No. 29. Plaintiff has not filed any objections to Magistrate Judge Dancks' recommendation.

"When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice." *Young v. Polizzi*, No. 9:16-CV-660, 2018 WL 3949942, \*1 (N.D.N.Y. Aug. 16, 2018) (quoting *Ward v. Lee*, No. 9:16-CV-1224, 2018 WL 3574872, \*1 (N.D.N.Y. July 25, 2018) (citation omitted)). "After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'"" *Id.* (quotation omitted).

The Court has reviewed Magistrate Judge Dancks' October 16, 2018 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

**ORDERS** that Magistrate Judge Dancks' October 16, 2018 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

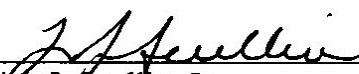
**ORDERS** that Defendants' motion for summary judgment, *see* Dkt. No. 25, is **GRANTED**; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: November 7, 2018  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge